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June 23, 2022

**VIA ECF**

The Honorable Edgardo Ramos  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**, last page.

Re: *United States v. Trevor Milton*, S1 21 Cr. 478 (ER)

Dear Judge Ramos:

This letter is respectfully submitted by defendant Trevor Milton to request a 30-day adjournment of the trial currently set to commence on July 18, 2022.

As the Court is aware, a superseding indictment was returned yesterday that adds a new wire fraud charge against Mr. Milton. The new charge arises from Mr. Milton's purchase of land in Utah from a seller who is a resident of Massachusetts. The real estate transaction is presently the subject of federal civil litigation brought in Utah by the seller against Mr. Milton.

On June 16, 2022, defense counsel received discovery from the government related to this private Utah real estate transaction. On June 17, 2022, we received a letter indicating that the government might raise the transaction in some form at Mr. Milton's criminal trial—which is otherwise about a wholly different matter, that is, an alleged scheme to drive public demand for Nikola stock on the Nasdaq exchange. At that time, we planned to seek to exclude the real estate transaction, *inter alia*, as inadmissible under Federal Rules of Evidence 401, 403 and 404(b) (literally a civil trial within a criminal trial). On June 20, 2022, we were informed that the real estate transaction would be the subject of a wire fraud count in a forthcoming superseding indictment and agreed with the government that we would address the issue as soon as we received and reviewed the new count. Now that the transaction has been added as a substantive

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count that carries a maximum term of imprisonment of twenty years, a 30-day adjournment is necessary.

First, notwithstanding the documents we received recently from the government related to this real estate transaction, we are compelled to investigate the matter thoroughly and need sufficient time to do so. Second, we anticipate the need to subpoena and review documents from persons located outside this district. Third, we may wish to consult and/or engage an expert witness to evaluate the real estate transaction. Fourth, we must amend and/or supplement (a) the dispositive motions we filed last year that remain *sub judice*; (b) our motions *in limine*, which were filed one day before the superseding indictment was returned; (c) our proposed *voir dire*; and (d) our proposed requests to charge. This new count is no “cosmetic change.” We respectfully submit that a 30-day adjournment is necessary and reasonable.

We are informed that the government will consent to an adjournment of one week but will oppose an adjournment of any greater duration.

Finally, we respectfully request that the Court schedule, at its earliest convenience, a conference to discuss this request and related scheduling matters.

Respectfully submitted,

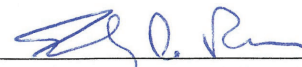
/s/ Bradley J. Bondi

Bradley J. Bondi

cc: Counsel of Record (via Email)

A status conference will be held on June 29, 2022 at 10:30 a.m. at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007 in Courtroom 619.

SO ORDERED.



Edgardo Ramos, U.S.D.J

Dated: 6/23/2022

New York, New York